

REMARKS

This responds to the Office Action mailed July 11, 2007 for the above application in which claims 1-34 and 42-55 are pending. Reconsideration of the application and claims in light of the following is requested.

Art Rejections

Claims 1-4, 7, 8, 10-12, 14-17, 20, 21 and 23-25 were rejected under U.S.C. 102(e) as anticipated by U.S. Patent No. 6,763,157 (“Williams”).

Independent claims 1, 13, 14, 26, 33, 42 and 52 have all been amended to now specify in various ways that certain adjacent devices are spaced apart from each other by at least the width of an optical fiber.

In sharp contrast, the optical devices in Williams are irrefutably spaced extremely close together (col. 4, lines 29-30 pitch of “about 7 microns”) – so much so that several are encompassed within the perimeter of a single fiber core (denoted in Williams as 22, 32 and 42). Indeed, the disclosure of Williams requires this to be so for that invention to work. Accordingly, none of independent claims 1, 13, 14, 26, 33, 42 and 52 are anticipated by Williams.

Since all of the dependent claims depend either directly or indirectly from those independent claims, they are allowable for the same reasons.

In addition, claims 5-6, 9, 13, 18, 19, 22, 26-34 and 42-55 were rejected under U.S.C. 103(e) as being unpatentable for obviousness over Williams. Applicant respectfully disagrees.

First, as noted above, all of the claims now recite in various ways that certain adjacent devices are spaced apart from each other by at least the width of an optical fiber. In other words, the claims recite the very opposite of Williams in this regard. It is axiomatic that the opposite of

something can not meet, be an equivalent of or otherwise render obvious that something. For this reason alone, the rejected claims are not obvious over Williams.

Moreover, claims 13, 26, 33, 42 and 52 all recite grouping trenches. To the extent that the limited mention of a trench in the statement “Etched-post VCSEL arrays are now feasible with VCSEL diameters of 5 to 40 microns; and with a 2 micron wide trench, can have a pitch as small as about 7 microns” it is clear that such trenches isolate individual devices from each other. This is simply a disclosure of what applicant has identified in the instant application as the separation trenches (316, 404) which are different from the grouping trenches. Grouping trenches do not isolate individual devices, rather they combine multiple devices into a defined group. Notably, Williams includes redundancy without having grouping trenches at all.

For this separate and independent reason, Williams does not render 13, 26, 33, 42 and 52, or any claims depending directly, or indirectly, therefrom, obvious.

CONCLUSION

For all of the forgoing reasons, it is respectfully submitted that all of the pending claims are allowable and early favorable action in that regard is solicited. In the event any issues remain that could potentially be resolved by telephone, the Examiner is urged to contact the undersigned at the number indicated below.

AUTHORIZATION

No fees or petitions for extension of time are believed necessary for this paper. However, should an extension of time be required, such is hereby petitioned and to the extent that any fees are due, Applicant hereby authorizes the Commissioner to charge any such fees, or credit any

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overpayment to Deposit Account No. 13-4500 (Order No. 4024-4008). Should any additional fee(s) be required for the entry of this Amendment, the Commissioner is hereby authorized to charge Deposit Account No. **13-4500**, Order No. **4024-4008**.

Respectfully submitted,
MORGAN & FINNEGAN

Dated: October 11, 2006

By:



Richard Straussman
Reg. No. 39,847

CORRESPONDENCE ADDRESS:
Correspondence Address associated with
Customer Number: **27123**